
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Club Works Sound and Lighting)	File No. EB-04-PO-003
)	
Salem, Oregon)	Citation No. C20043292004

CITATION

Released: June 28, 2004

By the Resident Agent, Portland Office, Western Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”)¹, to the Club Works Sound and Lighting (“Club Works”) for violation of Section 302(b) of the Act and Sections 2.803(a) and 15.209 of the Commission’s Rules (“Rules”).²

2. Investigation by the FCC’s Portland Office revealed that on August 5, 2003, the Club Works Sound and Lighting bought two handheld wireless microphones, model WR-422-U, from FLECO Corporation (Invoice Number 425379). These wireless microphones subsequently were sold to and used by The Oasis restaurant and caused interference to amateur radio station WA7ABU on the frequency 439.55 MHz in Salem, Oregon.

3. On December 5, 2003, an agent of the Commission’s Portland Office inspected the microphones and determined that the units were operating on amateur radio frequencies 439.55 and 432.55 MHz. The agent measured the field strength at 1500 microvolts/meter at a distance of 3 meters from the referenced wireless microphones and determined that the microphones were in non-compliance with Section 15.209 of the Commission’s Rules, which apply to intentional radiators.

4. Further investigation revealed that the devices bore no FCC equipment authorization or any other unique identification label as required by Section 2.925³ of the Rules for radiofrequency devices marketed in the United States. During an interview on December 5, 2003, the owner of the Club Works admitted that he had sold a total of eight uncertified wireless microphones of the same model and he was in the process of recalling and replacing them by the certified units.

5. Section 302(b) of the Act, provides “[N]o person shall manufacture, import, sell, offer for sale, or ship devices or homes electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “...no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute

¹47 U.S.C. § 503(b)(5).

²47 U.S.C. § 302a(b), 47 C.F.R. §§ 2.803(a), 15.209.

³47 C.F.R. § 2.925.

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for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by §2.925....” The Club Works sale of these devices violates both sections.

6. Violations of the Communications Act or of the Commission’s Rules may subject the violator to monetary fines not to exceed \$11,000 for each violation or each day of a continuing violation,⁴ seizure of equipment through *in rem* forfeiture action and criminal sanctions including imprisonment.⁵

7. Section 503(b)(5) of the Act provides that the Club Works may request an interview at the closest FCC Office. You may contact this office by telephone, XXX XXX-XXXX, to obtain the location of the nearest FCC Office and schedule the interview. The interview must be scheduled to take place within 14 days of the date of this Citation. The Club Works may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statement should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-04-PO-003 when corresponding with the Commission. Based upon the representation made by the owner of the Club Works on December, 5, 2003, no specific sale transaction information is required. However, in the event more than the noted eight units were purchased or sold by the Club Works, the Club Works is required to provide information regarding these transactions.

8. This Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested, to The Club Works Sound and Lighting, Attn: Dane Shepherd, 3385 Hawthorne Avenue, NE, Salem, Oregon 97305.

9. The Privacy Act of 1974⁶ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Office
Western Region
Enforcement Bureau

⁴47 C.F.R. §1.80(b)(3).

⁵47 C.F.R. §§ 401, 501, 503 and 510.

⁶P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁷18 U.S.C. § 1001 *et seq.*